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## CICERO AND THE AGRARIAN PROPOSALS OF 63 B.C.<sup>1</sup>

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In some ways the hardest and most important task of the Latin teacher is to make his students realize that Latin is something more than a series of disconnected units of twenty or thirty lines each, and that in the works of Caesar and Cicero we have historical documents that tell an important, and even an interesting, story. It is difficult for teacher and student alike to see that in the Catilinarian affair we have something more than the attempt of a bloodthirsty scoundrel to rid himself of his personal enemies and make himself master of Rome. Yet the conspiracy was merely one of a series of efforts to better the condition of the Roman and Italian poor. There is something to be said in explanation, if not in defense, of Catiline. He had a definite and comprehensible plan of economic reform, which perhaps no one else did, and the abuses he wished to correct were genuine and serious. In a way, he was the successor of the Gracchi and the precursor of Caesar, and his nearest relative, spiritually speaking, was Sertorius. Do not think that I am trying to remove, by whitewash or otherwise, the black spots on Catiline's character. He was bad enough at best, and with his methods in the fall of 63 we can have no sympathy. But we may at least admit the possibility that it was defeat after defeat that drove Catiline to desperation, until violence became the only method he could see to use. Viewed in this way, the conspiracy becomes merely one phase of a long struggle between parties in Rome, the parties, unfortunately, being always more or less closely identified with an individual. Another phase of this struggle, belonging to the same year, was the

<sup>1</sup> Read at the meeting of the Classical Association of the Middle West and South at Cleveland, April 1, 1920.

agrarian proposal of Rullus, with which I wish to deal at this time.

From the beginning of the Roman Republic, agrarian laws had been a recognized means of playing politics. Plebeian and later democratic leaders had sought votes by agrarian proposals, though the abuses they were trying to remedy were real enough. The mixture of political and economic measures in the Licinian Laws, the use of an agrarian law by the younger Gracchus to establish his own power, the charge brought against Caesar that an agrarian proposal was more worthy of a tribune than a consul, all show the political character of such legislation. It is no wonder that the senatorial party was suspicious of any agrarian law. The proposal with which I shall deal was unquestionably of this sort, designed quite as much to embarrass the opposition as to correct economic injustices. The bill was introduced by the tribune Rullus, though it is generally believed that the real author was Caesar. This is probable enough. The year 63 was marked by a series of attacks on the senatorial party, all displaying certain common characteristics in the midst of variety, and all, in my opinion, designed to annoy the nobles and perhaps especially their new spokesman Cicero. To understand this statement we must review Cicero's political career.

I cannot agree with scholars like Tyrrell and Purser, who assert that Cicero was a consistent conservative throughout his career. The presentation of all the evidence would take too long now, but the following arguments lead me to the belief that down to the year 64 Cicero was a democrat, though of the more moderate sort, as one would expect from his equestrian associations and his own temperament: (1) In 65 Cicero expected the nobles to oppose him (*Att.* i. 2. 2). (2) The author of the *Commentariolum Petitionis*, attributed to Q. Cicero, is sure that the senators will be unfriendly (iv. 14, etc.). (If this were a genuine work of Q. Cicero, its testimony would be almost conclusive; if the work of some later rhetorical student, its value would be dependent on the date and sources of the work.) (3) Sallust says that the senatorial party supported Cicero for the consulship solely to avoid something worse (*Cat.* 23). Against such testimony Cicero's

rhetorical exhortations to himself in later works like the poem *de consulatu suo* cannot stand. At that time Cicero wanted people to believe that he had always been a senatorial.

It is clear from Asconius' argument to the oration *in toga candida* that of the seven candidates for the consulship in 64 only three were seriously to be considered—Catiline, Antonius, and Cicero, of whom the first two had formed a *coitio*. The important thing, from the senatorial viewpoint, was to beat Catiline. This could be done only by waiving Cicero's *novitas* and electing him, as he could count on strong support from the other orders, and no genuine senatorial candidate had a chance of success. In this way the situation resembles somewhat the presidential campaign of 1912. Many Republicans, believing that a vote for Mr. Taft was a vote thrown away, seem to have supported Mr. Wilson, to insure Mr. Roosevelt's defeat. We cannot trace the progress of the campaign of 64. The few fragments of Cicero's speech *in toga candida*, with the comments of Asconius, are just enough to be tantalizing. Just when it became known that Cicero in his consulship would act with the senatorial party, we cannot tell. Certainly it was not later than January 1, as will be seen. It is quite possible that the defection of Cicero was one reason for the vigor and variety of the attacks made by the democrats in his year. The old weapon—an agrarian law—was now supplemented by a law giving certain special privileges to Pompey, a proposal to restore to full rights the children of Sulla's victims, a change in the method of electing the pontifex maximus, resulting in Caesar's election to that office, and the challenge to the senate in the trial of Rabirius.

We are now in a position to examine the proposals of Rullus, which I wish to examine without reference to the discussions of later historians. We should bear in mind that this was one of the weapons in use in 63 against the nobles and their new champion, and that the final attempt to annoy them was the conspiracy of Catiline, though more than mere annoyance was then intended. It is, then, the popular character of the bill that makes Cicero insist on *consul vere popularis*, the phrase with which he tries to describe himself, and perhaps to disguise his political change of base.

I cannot do better than to give Cicero's own account of the law (*De lege agr.* ii. 10 ff.):

To agrarian laws per se I have no objection, nor am I one of those who think it wrong to praise the Gracchi, who were men of the greatest fame, ability, and patriotism. So when I learned that the tribunes-elect were working on a new agrarian law, I went to them and offered to help them, realizing that as we were to be magistrates together it would be better to be on friendly terms. This well-meant offer was rejected, and it was plain that Rullus intended to use his power to harm the state. He held his first *contio*—no word about the bill. He held another *contio* and made a speech, with which only one fault could be found, that no one could tell what he said. Finally the bill was read. My shorthand writers took it down and gave me a copy. I read it through from beginning to end, with no hostility to the tribunate, and with no thought save for the public good. In the bill I found nothing but the attempt to set up ten kings.

As the tribunes were inaugurated on December 10, the bill was probably read in late December. Cicero made his first speech against it in the senate on January 1; and soon after, the second and third to the people. A fourth oration is lost. The first is incompletely preserved, but differs from the second mainly in the way one would expect from the difference in audience. His promise in the last sentence is particularly interesting:

Quodsi vos vestrum studium, patres conscripti, ad communem dignitatem defendendam profitemini, perficiam profecto, id quod maxime res publica desiderat, ut huius ordinis auctoritas, quae apud maiores nostros fuit, eadem nunc longo intervallo rei publicae restituta esse videatur.

Interesting, too, is his defiance of the tribunes and his consequent renunciation of a province.

As the second oration is more complete, I shall follow the analysis of the bill there given, but with a minimum of detail. The bill provided for the formation of a commission of ten, to be chosen by seventeen of the thirty-five tribes, these to be selected by lot by Rullus. Thus nine tribes could elect, even though their choice be unacceptable to the majority. A personal *professio* was required (this practically excluded Pompey). The decemviral power was to be confirmed by a *lex curiata*, but would not be impaired if the law were not passed. The normal procedure at an election seems to have been this: The choice was made by the *comitia tributa* or *centuriata*, and ratified by the *comitia curiata*, represented by thirty lictors, as their action was purely formal. This formality,

however, was necessary. (Into the complicated constitutional question here involved I cannot go now.) Yet Rullus arranged that the commissioners, chosen in this irregular way, be legitimized by the passage of the *lex curiata*, which they did not need to hold their power. The term of office was five years, the decemvirs were not removable, accountable, or subject to tribunicial veto. They could establish new colonies and dispose of all property that had become public since the year 88 (this also seemed to be directed at Pompey). Cicero's comment on the proposal to drain off part of the city mob to colonies is illuminating as an anticipation of *panem et circenses* and a cause of the miserable conditions reflected in such documents as the Theodosian Code:

Vos vero, Quirites, si me audire vultis, retinete istam possessionem gratiae, libertatis, suffragiorum, dignitatis, urbis, fori, ludorum, festorum dierum, ceterorum omnium commodorum, nisi forte mavultis relictis his rebus atque hac luce rei publicae in Sipontina siccitate aut in Salpinorum pestilentiae finibus Rullo duce collocari.<sup>2</sup>

Such in brief was the bill of Rullus. In place of this, Cicero promised the people *pax, tranquillitas, otium*, and thus to be a *consul popularis*, not in the sense that he was a member of that political party, but in the truer sense of one devoted to the public good (cf. the same play on the word in *In Cat.* iv. 9). Cicero's argument prevailed, and in the face of a threatened veto the bill was dropped. As Pliny the Elder said, "The people gave up to Cicero the agrarian law, that is, their own bread" (*N.H.* vii. 116).

Some further commentary is needed on certain points. The bill contains a curious mixture of politics and statesmanship. The proposal to draw off part of the idle and vicious mob was wise; Caesar revived it after he became dictator. Cicero's answer, quoted above, reveals the politician if not the demagogue. His threat of ten kings is also pure political buncombe. On the other hand, the method of choosing the commissioners looks like a deliberate attempt to fix the election. It had a certain sort of precedent, however, and was revived later in the year to insure the election of Caesar as pontifex maximus. The extravagance and elaborate ceremonial of the method of election remind us of the trial of Rabirius a little later. We observe the same revival of an antiquated procedure, the same excessively ostentatious dis-

<sup>2</sup> Section 71.

play of serious intent, and the same suspiciously ready acquiescence in defeat. I have expressed elsewhere<sup>1</sup> my belief that the trial of Rabirius was a carefully stage-managed performance, in which the accomplishment of the apparent purpose was not really seriously desired. The same thing seems to be true here, though the purpose was different. The bill of Rullus was not expected to pass in the form in which it was offered, though, if it did pass, well and good. Neither was it expected that Rabirius would be convicted, though, if it did turn out so, little harm would be done.

The purpose of the Rullan bill was to offer Cicero a chance to relieve discontent and improve economic conditions, but to offer it in a form that would provoke attack. Thus the unwillingness of Cicero and the senatorial party to do anything for the poor would be emphasized. It is quite possible that one of the arguments used by Catiline in the campaign of 63 was the refusal of the senate to do anything to relieve the poor. Certainly he did use it after the election (cf. his letter to Catulus in Sall. *Cat.* 35). The extraordinary powers to be given the commission, the virtual exclusion of the popular idol Pompey, the unusual method of choosing the decemvirs, were planned to attract attention and guarantee attack. Caesar's failure to follow up the agrarian law and the prosecution of Rabirius shows that he was not serious. He was in the matter of the election to the pontificate, but there is nothing in the tradition to suggest that exile was the only possibility for Caesar if the people failed to crucify Rabirius.

Let me emphasize my belief that it made little difference to Caesar whether Rullus passed his bill or not. The secondary purpose of the measure had been attained: life had been made additionally miserable for Cicero and his party. If Caesar had really wished to rise to supreme power by way of an agrarian commission, the methods used to get the commission created would undoubtedly have been far more subtle than those employed by Rullus. In modern slang, these latter were "coarse work," and Caesar could be "smooth" enough when he wished to be. Strategy teaches us that we should adopt every device to draw the enemy's fire and compel him to reveal his position and his strength. The Rullan bill, like the other anti-senatorial measures of the year, was of the

<sup>1</sup> "The *Senatus Consultum Ultimum*," *C. W.*, XIII, 185 ff.

nature of reconnaissance and not of attack. We can hardly say, then, that the defeat of the Rullan bill was a serious setback for Caesar. It accomplished one of its purposes very well—the annoyance of the opposition. Cicero was forced into a position of apology and self-defense; his insistence on *consul popularis* is proof enough.

The episode showed, too, that the senate had no remedy for the economic distress and little real interest in it. After the failure of Rullus there was no hope for an agrarian law and that familiar form of relief. Rome knew one other method of getting relief, a cancellation or reduction of debts. Catiline now adopted this policy. It is doubtful whether Caesar and Crassus supported him, and Crassus at least could hardly have been very sympathetic. It was unfortunate that it was Catiline, with his unsavory record and his natural affinity for violence, who became the spokesman for the discontented, and that anarchy became the remedy they proposed. It was unfortunate that the radicals and not the moderates gained such an ascendancy in the democratic party at this time. It was unfortunate that there was no one but Catiline to offer relief, so that many good citizens supported him who could hardly have sincerely wished for anarchy (see especially Cicero's effort to win them away from Catiline in *In Cat.* ii. 17 ff.). The resemblance to conditions at the present time is too obvious to need comment. One of the factors in the spread of discontent was the defeat of the agrarian proposals, with the revelation of the attitude of the government and its insistence on senatorial supremacy, no matter what the cost.

The real significance, then, of the Rullan defeat is to be found, not in the disappointment of the author and his friends, but in the proof that it gave that the senate regarded it as purely political and not, in any way worthy of consideration, economic; that the senate could not be expected to do anything to relieve conditions, and had no program of economic reform. The success of the bill would have brought some relief, but its defeat prevented such a result. The bill accomplished its purpose of worrying the senate and of driving the party from one position to another equally hard to defend. The final result was that Catiline was driven into open rebellion, and for that no one was more to blame than the senatorial party itself.